

**SUPREME COURT MINUTES  
MONDAY, MARCH 25, 2002  
SAN FRANCISCO, CALIFORNIA**

5th Dist.  
F037255

People, Respondent  
v.

Karla Gonzales Pienzo, Appellant

The time for granting review on the court's own motion is hereby extended to and including April 25, 2002. (Cal. Rules of Court, rule 28(a)(1).)

S046176

People, Respondent  
v.

Glen Cornwell, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including May 20, 2002.

S065575

In re Steven Allen Champion  
on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's return to the order to show cause is extended to and including April 22, 2002.

S102296

In re Dannie Ray Hillhouse  
on

Habeas Corpus

Good cause appearing, and based upon Deputy Attorney General Paul E. O'Connor's representation that he anticipates filing the informal response by May 17, 2002, counsel's request for an extension of time in which to file that brief is granted to April 26, 2002. After that date, only one further extension of 21 days will be granted.

S103417

Craig K. Martin, Respondent  
v.

Richard Szeto et al., Appellants

On application of respondent and good cause appearing, it is ordered that the time to serve and file opening brief on the merits is extended to and including April 22, 2002.

No further extensions are contemplated.

Adm. Guidelines for Fixed Fee Appointments on Optional  
Order Basis, To Automatic Appeals and Related Habeas Corpus  
2002-2 Proceedings in the California Supreme Court

Following the circulation of draft amendments for public comment, the court, hereby amends the “Guidelines for Fixed Fee Appointments on Optional Basis, to Automatic Appeals and Related Habeas Corpus Proceedings in the California Supreme Court” as follows [striketthrough indicates text that has been deleted; additions are shown by underscoring]:

**“5. Progress Payments**

[As amended effective Jan. 22, 1998, ~~and Feb.4,~~ and March 21, 2002.]

“Until appointed appellate counsel files the appellant’s opening brief or appointed habeas corpus counsel files a petition, a current status report must be filed every 60 days. Other than reimbursement for habeas corpus investigative expenses, documentation and itemization of hours and expenses by appointed counsel are not required under these alternative fixed fee guidelines.

“Counsel appointed for both the direct appeal *and* habeas corpus/executive clemency proceedings will receive progress payments after specified stages of representation as follows: (i) one-sixth of the fixed amount shortly after counsel is appointed; (ii) one-sixth after counsel (a) submits to the assisting entity or counsel (e.g., the California Habeas Resource Center, the California Appellate Project, or other assisting counsel) detailed, understandable and computerized transcript notes, a list of potentially meritorious habeas corpus issues, and a draft first request for correction of the record (and, if appropriate, any motion for augmentation and/or settled statement), and (b) files this first request; (iii) one-sixth after certification of the record and filing of the record in this court (one-half of this progress payment will be advanced upon request after the trial court’s order disposing of the consolidated motion to augment, correct, and settle the record on appeal); (iv) one-sixth after counsel ~~(a) submits to the assisting entity or counsel a draft appellant’s opening brief, and (b) (a)~~ files a confidential declaration that he or she has made reasonable efforts to consult with defendant and trial counsel about potential habeas corpus issues, ~~(e) (b)~~ submits to the assisting entity or counsel a detailed outline of potential habeas corpus issues to be investigated, and ~~(d) (c)~~ files the appellant’s opening brief (one-quarter of this progress payment will be advanced

upon request after counsel's submission to the assisting entity or counsel of a complete draft of the statement of the case and statement of the facts portion of the appellant's opening brief; one-quarter after submission of a complete draft of the guilt phase and special circumstance issues portion of the appellant's opening brief; and one-quarter after submission of a complete draft of the penalty phase issues portion of the appellant's opening brief [counsel may request these advances before progress payment (iii) has been paid in full]); (v) one-sixth after counsel (a) submits to the assisting entity or counsel a draft reply brief, (b) files a reply brief, and (c) files a confidential declaration that counsel has substantially completed the habeas corpus investigation (to the extent possible given funding provided therefor), and has submitted for review to the assisting entity or counsel a draft habeas corpus petition with necessary exhibits and declarations (or, in the alternative, that counsel has submitted for review to the assisting entity or counsel a draft declaration indicating that all potential leads have been substantially pursued to the extent possible given funding provided therefor, and that it appears that no habeas corpus petition will be filed) (one-half of this progress payment will be advanced upon request after the following: (a) the Attorney General files the respondent's brief, and (b) counsel files a confidential declaration that counsel has completed approximately one-half of the anticipated habeas corpus investigation, and has submitted to the assisting entity or counsel a detailed outline of the remainder of the planned investigation); (vi) one-sixth, less \$10,000, after counsel files a habeas corpus petition in this court on behalf of counsel's client, and after oral argument and submission of the matter on the direct appeal (except that if counsel files no petition, counsel must instead file a confidential declaration indicating that all potential leads have been pursued to the extent possible given funding provided therefor, and that no habeas corpus petition will be filed, after which counsel will receive no sixth progress payment, except upon a showing that in view of work performed, full or partial payment is warranted); and finally (vii) the sum of \$10,000 after completion of representation in executive clemency proceedings before the Governor of California. With each request for payment except for those set forth above in (i), (vi), and (vii), counsel shall provide to the court a statement from the assisting entity or counsel that counsel's submission to the entity or

counsel substantially complies with the conditions set forth for payment.

“Counsel appointed for the direct appeal only will receive progress payments after specified stages of representation as follows: (i) one-sixth of the fixed amount shortly after counsel is appointed; (ii) one-sixth after counsel (a) submits to the assisting entity or counsel (e.g., the California Habeas Resource Center, the California Appellate Project, or other assisting counsel) detailed, understandable and computerized transcript notes, and a draft first request for correction of the record (and, if appropriate, any motion for augmentation and/or settled statement), and (b) files this first request; (iii) one-sixth after certification of the record and filing of the record in this court (one-half of this progress payment will be advanced upon request after the trial court’s order disposing of the consolidated motion to augment, correct, and settle the record on appeal); (iv) one-sixth after counsel ~~(a) submits to the assisting entity or counsel a draft appellant’s opening brief and, (b) files the appellant’s opening brief~~ (one-quarter of this progress payment will be advanced upon request after counsel’s submission to the assisting entity or counsel of a complete draft of the statement of the case and statement of the facts portion of the appellant’s opening brief; one-quarter after submission of a complete draft of the guilt phase and special circumstance issues portion of the appellant’s opening brief; and one-quarter after submission of a complete draft of the penalty phase issues portion of the appellant’s opening brief [counsel may request these advances before progress payment (iii) has been paid in full]); (v) one-sixth after counsel (a) submits to the assisting entity or counsel a draft of the appellant’s reply brief, and (b) files the reply brief; and (vi) one-sixth after oral argument and submission of the matter on the direct appeal. With each request for payment except for those set forth above in (i) and (vi), counsel shall provide to the court a statement from the assisting entity or counsel that counsel’s submission to the entity or counsel substantially complies with the conditions set forth for payment.

“Counsel whose appointment is limited to habeas corpus/executive clemency proceedings will receive progress payments after specified stages of representation as follows: (i) one-fifth of the fixed amount shortly after counsel is appointed; (ii) one-fifth after counsel files a confidential declaration that counsel has reviewed the record on appeal and the detailed transcript notes and

list of potentially meritorious habeas corpus issues provided by appointed counsel on the direct appeal, has made reasonable efforts to consult with defendant, appellate counsel and trial counsel, and has submitted to the assisting entity or counsel (e.g., the California Habeas Resource Center, the California Appellate Project, or other assisting counsel) a detailed outline of potential habeas corpus issues to be investigated; (iii) one-fifth after counsel files a confidential declaration that counsel has completed approximately one-half of the anticipated habeas corpus investigation, and has submitted to the assisting entity or counsel a detailed outline of the remainder of the planned investigation; (iv) ~~one-fifth after counsel files a confidential declaration that counsel has completed the habeas corpus investigation to the extent possible given the funding provided therefor~~, and one-fifth after counsel files a confidential declaration that counsel has submitted for review to the assisting entity or counsel a draft habeas corpus petition with necessary exhibits and declarations (or, in the alternative, that counsel has submitted for review to the assisting entity or counsel a draft declaration indicating that all potential leads have been pursued to the extent possible given funding provided therefor, and that no habeas corpus petition will be filed) (one-half of this progress payment will be advanced upon request after counsel files a confidential declaration that counsel has completed the habeas corpus investigation to the extent possible given the funding provided therefor); (v) one-fifth, less \$10,000, after counsel files a habeas corpus petition in this court on behalf of his or her client (except that if counsel files no petition, counsel must instead file a confidential declaration indicating that all potential leads have been pursued to the extent possible given funding provided therefor, and that no habeas corpus petition will be filed, after which counsel will receive no fifth progress payment, except upon a showing that in view of work performed, full or partial payment is warranted); and finally (vi) \$10,000 after completion of representation in executive clemency proceedings before the Governor of California. With each request for payment except for those set forth above in (i), (v), and (vi), counsel shall provide to the court a statement from the assisting entity or counsel that counsel's submission to the entity or counsel substantially complies with the conditions set forth for payment.

“Under limited circumstances (e.g., a delay in the certification of the record not due to a lack of diligence on the part of appointed

counsel), the Court will authorize partial payments before completion of the relevant stage(s) of representation.

“In the event the proceedings terminate prior to the completion of all of the stages set forth in the progress payment schedule (as a result, for example, of the death of the defendant), appointed counsel shall memorialize all work completed and the court shall determine and pay an appropriate sum to compensate counsel for work performed prior to the termination of the proceedings.”